

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KELLY S. MAHNKE,

Plaintiff,

v.

ORDER

DANIEL GARRIGAN,

09-cv-408-slc

Defendant.

Plaintiff Kelly S. Mahnke is proceeding in this case on her claims that defendant Daniel Garrigan violated her Fourth and Fourteenth Amendment rights when he removed her horse from her possession. Now plaintiff has filed a motion to submit a deposition that was taken in another case and to terminate or limit the scope of the deposition in this case. Defendant opposes her motion.

In her motion, plaintiff seeks to submit depositions taken in a previous state court proceeding involving her and Columbia County and to limit her deposition in this case. As defendant points out, he was not a defendant in the previous case. He argues that plaintiff has not shown any reason to limit the length of her deposition in this case. I agree that plaintiff has not presented any authority to support the limiting of her deposition in this case. Therefore, her motion will be denied. However, defendants do not object to the filing of any deposition transcripts from the previous case in support of a dispositive motion or at

trial. Although defendant asks that plaintiff be required to pay the expenses incurred by him in bringing this motion, I will not grant this request because it appears plaintiff was confused about the necessity of a new deposition in this case.

ORDER

IT IS ORDERED that plaintiff's motion to limit the length of her deposition in this case, dkt. #7, is DENIED, but she may file depositions in prior case as necessary for dispositive motions or trial.

Entered this 7th day of October, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge